

been canceled and a divisional application may be filed for these claims.

The Examiner has rejected claims 55, 64 and 88 under 35 U.S.C. 112, second paragraph.

Claim 55 has been amended to depend from Claim 77 only. Claim 77 does include hydrogen as the at least one gas in the process atmosphere.

The Examiner's rejection of Claim 64 because a hydronitrogen is required is respectfully reversed. Claim 62 from which Claim 64 depends, calls for a feed of "at least one of hydrocarbon and of hydronitrogen," which also means that either hydrocarbon or hydronitrogen are present. Claim 64, therefore, is correct in further limiting Claim 62 by calling for the reactive gas to be either Propane (a hydrocarbon) or Nitrogen (which was a possible gas for the process from Claims 76 and 77).

Claim 88 has been amended to indicate the value for "z" is valid only when hydrogen is present in the layer as in Claim 77.

The Examiner has rejected claims 77, 54, 59, 60, 62-66 and 82-88 (as well as canceled claim 68) as being obvious from Imaino et al. (EP '885) in view of Takurou et al. (JP '017), IBM Tech. Disclosure Bulletin, Vol. 28, pg. 301 (IBM) or Ishihara et al. (US '699).

The Examiner holds that the difference between the claimed invention and Imaino et al. is that Imaino et al. does not

disclose controlling the amount of C or H that is present in the SiC or SiCH of the intermediate layer between data interfaces.

More than this, however, Imaino et al. does not appear the use SiC or SiCH or even SiN at all (see Imaino at page 5, line 23-42; in the Imaino formula  $A_xB_{1-x}$ , B can be N but Si is not given as a possible for A).

The secondary references, where they control gas flow in sputtering, do so for making other products with different requirements. The skilled artisan therefor has insufficient motivation to combine Imaino with any one or more of the secondary references to reach the invention in an obvious manner.

Claims 77, 54, 59, 60, 62-66 and 82-88 are therefore believed to be in condition for allowance.

Claims 55, 56 and 61 are also believed patentable over the combination cited in the Action at paragraph 10, since the tertiary reference to Kugler would not suggest the combination of Imaino with the secondary references nor supply sufficient teaching to supplement the combination to reach claim 55, 56 or 61 under 35 U.S.C. 103.

The same is believed true for claims 57 and 58 even with the combination for the Signer reference.

Claims 81 and 89 are also believe to be unobvious over the combination cited by the Examiner in paragraph 12 of the Action where the tertiary reference to Tawara is used in combination

with Imaino and the secondary references, since Tawara does not supply the person with ordinary skill in this field of multi-information-layer mediums sufficient teaching to both combine the primary and secondary references and then meet the limitations of claims 81 and 89.

The Examiner has also rejected claim 76 at paragraph 13 of the Action as being obvious from Imaino in view of Tawara or Kim.

The motivation to deposit SiN in the intermediate layer between two information interfaces is not believed to exist in either Imaino or in Tawara or Kim. The requirements are different because the desired end products are different and more teaching would be needed to reach claim 76 in an obvious manner.



By this amendment therefore, the application and claims are believed to be in condition for allowance and favorable action is respectfully requested.

If any issues remain, the Examiner is respectfully invited to contact the undersigned by telephone.

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